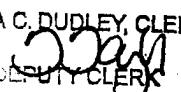


AUG 23 2010

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TIMOTHY WITCHER,
Petitioner,

v.

COMMONWEALTH,
Respondent.

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Civil Action No. 7:10-cv-00371

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

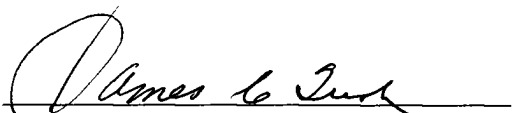
In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is **DISMISSED** **without prejudice** for failure to exhaust state court remedies; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copies of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 20th day of August, 2010.


Senior United States District Judge